

## MINUTES OF MEETING

### DEARBORN CHARTER COMMISSION

City Council Chambers

Tuesday, February 7, 2006

Due to the many people in attendance at the meeting, Chairman Bazy moved the meeting to the City Council Chambers.

Chairman Bazy called the meeting to order at 5:50 p.m. A roll call was then taken. Present were: David Bazy, Mary M. Bugeia, Stephen S. Dobkowski, Jr., Paula Hamilton-Stokes, John Jay Hubbard, Thomas Patrick Korte, Mary K. Petlichkoff, Ganelle Shooshanian, and Raymond Thomas Trudeau. Absent: None. Also present: Kathleen Buda, City Clerk and Debra Walling, Corporation Counsel.

A motion was made by Commissioner Trudeau and seconded by Commissioner Shooshanian to accept the minutes of the January 17, 2006 meeting. The motion passed unanimously.

Further discussion was held on **Section 3.4 Board of ethics**. Vincent Bruno, Chairman of the Board of Ethics appeared before the Commission.

Chairperson Bazy expressed concern as to the how, why and under what condition an individual is brought before, or reviewed, by the Board of Ethics.

Mr. Bruno answered stating the committee meets regularly, and an official or citizen can point out irregularities as they relate to an individual employee or an elected official. Mr. Bruno cited two cases the Board had received by letter that pointed at wrong doing. He also expressed concern that the parties involved do not always appear before the Board to state their case.

Discussion was held as to whether or not a fine could be imposed upon someone who was asked to appear before the Board of Ethics and did not. There was also a recommendation that the Board of Ethics come up with a more defined set of rules.

Commissioner Petlichkoff stated that the City of Denver has an explicit, detailed plan. An individual is contacted in written form and there is a day-by-day

process, a detailed map for the Board of Ethics to follow. There is a screening process before an item becomes a public meeting.

Mr. Bruno was not familiar with Denver, but cited familiarity with Detroit and Las Vegas. He stated there is an open meetings law and that anyone can attend.

Commissioner Shooshanian suggested that a copy of the Denver Board of Ethics Rules of Procedures be given to the City of Dearborn's Board of Ethics so that they could review them and bring back their recommendations to this Commission.

Following a discussion of **Section 3.4 Board of ethics**, a motion was made by Commissioner Petlichkoff and supported by Commissioner Trudeau to table Section 3.4 and review it again at a later date, giving the Board of Ethics a chance to bring forth their recommendations. The motion passed unanimously.

Chairperson Bazy stated that the Commission needed to revisit Section 3.6 because the revision made in December should have read elected and appointed. He suggested that "appointed" be dropped and "officers" be inserted. The Commission's previous revision eliminated elected officials. As it stands, elected and appointed are not able to engage in any political activity.

Discussion was held as to what constitutes official work and campaigning as it relates to elected officials who have a 24/7 work week.

Chairperson Bazy stated that campaigning should not take place on City property or time. When Council members attend events, it becomes a gray area.

Following a discussion of **Section 3.6 Political activity**, it was decided to leave this section as amended on December 06, 2005.

The Commission revisited **Section 3.7. Private use of city property**.

Commissioner Korte stated that the Electronic Communications policy implemented in the City covers the use of computers for personal use, and employees or officers are directed not to do so.

Commissioner Bugeia stated that the amendment the commission made in December eliminates elected officials and it should say "no officer or employee".

Following a discussion of **Section 3.7 Private use of city property**, a motion was made by Commissioner Bugeia and supported by Commissioner Trudeau to remove the word “**appointed**” which was agreed upon at the December 6, 2005 meeting and return to the original wording of the 1979 Charter. The motion passed unanimously.

The Commission continued their review of **Chapter 6, “General Provisions Affecting Officers of the City”** beginning with Section 6.6. Compensation of officers.

Commissioner Dobkowski stated that the sentence that reads, “Any elective or appointive officer of the City who receives payment of any kind...” be amended to insert the phrase “or gifts”.

Commissioner Petlichkoff recommended that this section be amended to set a dollar amount on gifts as well as disclosure of gifts.

Commissioner Bugeia questioned what amount would be a reasonable amount to set for the future.

Chairperson Bazy stated that General Motors allows nothing over \$25.00, while Ford allows two major events a year. There is no definition of value. Chrysler recommends to use discretion, no definitive dollar amount, but discretion must be used and disclosure of who you are with. No one would risk their integrity for \$100.00.

Commissioner Hubbard stated there is an unlimited amount of money an officer can accept, which applies to all elected officials. There are campaign laws which must be followed and allow elected officials to have an expense fund.

Commissioner Trudeau stated his view that any amount should be reported.

Commissioner Dobkowski stated that this section does not cover services rendered and was concerned about traveling and accepting gifts.

Wayne County Commissioner Gary Woronchak took the podium. He clarified that this section deals with compensation, not gifts. Gifts belong in the Section related to ethics and there should be a policy prescribed by the Mayor and Council. He stated that if someone gave an elected official \$600 Superbowl tickets it would influence someone. This would not be in the Charter, but would be a

level of policy dealing with the specifics of disclosure, written in the articles of procurement such as in Wayne County.

Following a discussion of **Section 6.6 Compensation of Officers**, a motion was made by Commissioner Dobkowski and supported by Commissioner Bugeia to add the phrase “**or gifts**” to paragraph 3. Roll call on the motion was as follows: Yeas: Bugeia, Dobkowski, and Trudeau (3). Nays: Bazy, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, and Shooshanian (6). Absent: None. The motion was declared lost.

Discussion ensued regarding **Section 6.7. Reimbursement of authorized expenses** and Commissioner Trudeau stated that he is familiar with expenses being computed using IRS rates and would like to see the same here.

Ms. Walling stated that the City Council has already adopted the Federal regulations in the City’s travel policy.

Chairperson Bazy requested that a copy of this information be provided to the Commission and suggested waiting to discuss this section until the information is received.

A motion was made by Commissioner Bazy and supported by Commissioner Trudeau to table **Section 6.7. Reimbursement of authorized expenses** until a later date. The motion passed unanimously.

Discussion ensued regarding **Section 6.8 Change in Compensation**.

Commissioner Dobkowski stated that in the event of City employees receiving a reduction in pay and benefits, the same reduction of pay and benefits should also apply to elected and appointed officials.

Commissioner Trudeau asked how different raises in the different unions would be reflected in regards to elected and appointed officials.

Ms. Walling stated that when the Local Officials Compensation Commission (LOCC) meets every two years. They look at what raises were given to the general employees and are sensitive and reflective to what happens with them when they make their recommendations relating to elected officials.

Commissioner Hamilton-Stokes stated she is more concerned that Police and Fire are excluded. The City employees face layoffs and wage freezes and Police and Fire should face the same.

Chairperson Bazy clarified that the Commission is here to discuss compensation for individuals. It is not the Commission's place to discuss negotiated benefits. What a person gets paid is what a job allows. Police and Fire are different; general employees are different. The Commission's discussion needs to center on how compensation is set-up, the other issues are Civil Service concerns.

Maria Santiago-Powell addressed the Commission asking if there was a difference between public safety and public employees. She stated that Parks and Highways open streets in difficult weather so that Police and Fire can get through. She said they do not understand why they do not get the same benefits for providing public safety.

Chairperson Bazy explained to Ms. Santiago-Powell that she was not addressing the right group. City Council would be the correct group. The Charter Commission defines how the City is run, not how employees are classified. The Commission has the ability to amend certain departments later in the process.

Craig Champaign addressed the Commission asking why Public Works could not be included in Public Safety. He asked for a definition of "public safety". He didn't understand why Public Works would not be included in Public Safety. The jobs employees perform in Public Works allow the Public Safety people to do their jobs.

Commissioner Petlichkoff stated that Chapter 10 of the Charter is where departments are included. She suggested that employees from the Public Works Department could return when the Commission gets to Chapter 10. Section 10.18 is the section for Department of Public Works.

Commissioner Bugeia stated that there were recommended changes for Section 6.8 that have yet to be discussed.

Chairperson Bazy clarified, stating that the Mayor and City Council had made recommendations.

Ms. Walling stated that the Mayor wanted to remove the wording so that Police and Fire were not excluded from this section.

After discussion of **Section 6.8, Change in compensation**, a motion was made by Commissioner Trudeau and supported by Commissioner Dobkowski to amend Section 6.8 to read as follows:

The compensation for appointive offices shall not be increased or decreased during the term of office to which each officer was appointed. Such compensation may include an annual adjustment to salary equal to the average percentage of increases or decreases in salary paid to the general employees of the city and adjustments to benefit programs as received by the general employees of the City. (The phrase “excluding police and fire employees” was removed twice from this section.) The motion passed unanimously.

Chairman Bazy declared a recess at 7:42 p.m. The meeting was reconvened at 7:58 p.m. Present at roll call were Commissioners Bazy, Bugeia, Dobkowski, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, Shooshanian, and Trudeau. Absent: None.

A discussion was held about when to conduct the next scheduled meeting in view of the President’s Day Holiday. It was determined that the next meeting would be held on Tuesday, February 21, 2006 at 4:00 p.m.

Chairperson Bazy asked if there were any issues with the last paragraph in **Section 6.8**.

A motion was made by Commissioner Bugeia and supported by Commissioner Petlichkoff to make no changes to Paragraph 2 of **Section 6.8. Change in compensation**. The motion passed unanimously.

Discussion was held on the letter distributed by Commissioner Trudeau to the Commissioners at the meeting held on January 17, 2006. Debra Walling, Corporation Counsel, had previously submitted her reply to the letter.

Commissioner Trudeau stated that he has concerns when a person who is appointed hands out redacted copies and feels that it puts pressure on the Commission when recommendations are coming from the Administration. The Commission is to be independent and will sometimes need legal advice regarding

Administrative, Legislative, and Judicial branches. It lends some officiality when handed out by an official. Therefore, he stated that the Commission may need to use outside counsel.

Commissioner Korte stated that Corporation Counsel probably has the best knowledge of the Charter and appreciates her presence, just as he also appreciated the presence of citizens in the audience.

Chairperson Bazy stated Corporation Counsel's role is defined as advisory. She has knowledge of previous charters, a litmus test of what the Commission is doing. He would prefer suggestions from City Council and Administration coming via e-mail. The Commission's time would be better spent. He requested that future recommendations from the Administration and City Council be e-mailed to the Commissioners on the Friday prior to their scheduled meeting day. Corporation Counsel indicated that she would pass this recommendation on to the Administration and Council; however, it may not be feasible to comply with their request. The Clerk will make these recommendations available to the public for inspection during the meetings when possible.

Commissioner Trudeau said that his concern was that the Commission retains its independence.

Chairperson Bazy stated that he appreciated having Corporation Counsel attend. An independent attorney would need to research for hours and would cost a lot of money. He suggested that in the future, if research is needed, the Commission could appoint a subcommittee to explore and do research. He also stated that the Commission does not have authority to hire anyone.

A motion was made by Commissioner Trudeau and supported by Commissioner Dobkowski to petition City Council to appropriate funds and to appoint an independent outside counsel to be used by this Commission on an as needed basis. Roll call on the motion was as follows: Yeas: Bugeia, Dobkowski, Hubbard and Trudeau (4). Nays: Bazy, Hamilton-Stokes, Korte, Petlichkoff, and Shooshanian (5). Absent: None. The motion was declared lost.

Chairman Bazy indicated the agenda for the next meeting scheduled for February 21, 2006 will contain a review of Section 6.2, continuation of Chapter 6, and Chapter 7.

A motion to adjourn was made by Commissioner Shooshanian and supported by Commissioner Petlichkoff. The motion passed unanimously.

The Charter Commission meeting adjourned at 8:40 p.m.

Approved:

S/David Bazy, Chairperson

Attested:

S/Kathleen Buda, CMC, City Clerk